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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/753,964
Filing Date: January 03, 2001
Appellant(s): BOUBEZ ET AL.

Francis Lammes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 14, 2006 appealing from the Office action mailed November 16, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Poon (US 2002/0062265).

Ponn discloses a method and corresponding apparatus with means and computer program product with instructions for facilitating user selection of an item category in an online auction comprising receiving a registration request, the registration request including a service description and an identification of category within the taxonomy in which the service is to be registered, applying one or more canonical service description tests to the service description to determine if the service description should be registered in the category, and registering the service description in the identified category if a result of applying the one or more canonical service description tests is that the service description should be registered in the identified category (p.49, 26-32); one or more canonical service description tests identify minimum criteria for the category (p.49, 26-32); registering the service description in the category includes storing the service description and an associated model description in a storage association with the category (p.49, 26-32); implementation in a service broker within at

least one network (p.49, 26-32); if the result of applying the one or more canonical service description tests is that the service description should not be registered in the category, a determination is made as to whether a request to add a new category is received (p.49, 26-32); if a request to add a new category is received, a determination is made as to whether to add the new category, and wherein if the new category is added, the service description is registered in association with the new category (p.49, 26-32); one or more canonical service description tests include information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements and communication protocol requirements (p.49, 26-32); if the result of applying the one or more canonical service description tests is that the service description should not be registered in the category, searching the taxonomy for an alternate category in which the service description should be registered and registering the service description in the alternate category (p.49, 26-32); searching the taxonomy for an alternate category includes searching one or more of sibling, parent and child categories of the identified category within a predetermined range of the identified category in the taxonomy (p.49, 26-32); and searching the taxonomy for an alternate category includes searching the taxonomy for a category in which the service description meets requirements of a canonical service description test associated with the alternate category (p.49, 26-32).

(10) Response to Argument

Argument: Poon does not teach a registration request at the data processing system, the registration request including a service description and an identification of a

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category within the taxonomy which the service is to be registered, applying one or more canonical service description tests to the service description to determine if the service description should be registered in the category, and registering the service description in the identified category using the data processing system if a result of applying one or more canonical service description tests is that the service description should be registered in the identified category.

Response: Poon discloses a registration request at the data processing system (p.50, 29—user has option to proceed with category registration request if the category does not exist), the registration request including a service description and an identification of a category within the taxonomy in which the service is to be registered (p.50, 29); applying one or more canonical service description tests to the service description to determine if the service description should be registered in the category and registering the service description in the identified category using the data processing system if a result of applying the one or more canonical service description tests is that the service description should be registered in the identified category (p.50, 29—a test of whether the subcategory has related subcategories is performed, and if it does not exist, the user has the option to register the subcategory); and one or more canonical service description tests identify a minimum criteria for the category (p.50, 29-- a test of whether the subcategory has related subcategories is performed, and if it does not exist, the user has the option to register the subcategory).

Argument: Poon does not teach or suggest any incentive to make the needed changes to reach the presently claimed invention.

Response: Poon discloses the limitations of the invention as set forth in the claims, thus, Poon does not need to suggest any incentive to make the needed changes to reach the presently claimed invention.

Argument: Poon does not teach wherein the one or more canonical service description tests identify minimum criteria for the category.

Response: Poon suggests applying a canonical service description test that identifies minimum criteria for the category (p.5, 29—if the category is not available...the client browser performs a test whether the selected category has related subcategories. If the selected category has no related subcategories, then the user has the option to record the category...and may process further with the item registration process).

Argument: Poon does not disclose storing the service description and an associated model description storage in association with the category.

Response: Poon discloses storing the service description and the associated model description in a storage in association with the category (p.50, 29—service description and associated model description are stored for future registration purposes when choosing the category and subcategory).

Argument: Poon does not disclose a service broker within at least one network.

Response: Poon discloses a service broker a service broker (p.50, 28-29—system broker).

Argument: Poon does not disclose wherein if the result of applying one or more canonical service description tests is that the service description should not be

registered in the category, a determination is made as to whether a request to add a new category is received.

Response: Poon discloses if a result of applying one or more canonical service description tests is that the service description should not be registered in the category, a determination is made as to whether a request to add a new category is received, or registering the service description in the alternate category (p.50, 29—category added if it does not exist).

Argument: Poon does not disclose wherein if a request to add a new category is received, a determination is made as to whether to add the new category, and wherein if the new category is added, the service description is registered in association with the new category.

Response: Poon discloses that a determination is made as to whether a request to add a new category is received, and wherein if the new category is added, the service description is registered in association with the new category (p.50, 29—category added if does not exist and stored for future registration process when determining which category/subcategory will be used).

Argument: Poon does not disclose wherein one or more canonical service description tests include information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements, and communication protocol requirements.

Response: Poon discloses one or more canonical service description tests that identifies minimum requirements of the category using security requirements, privacy

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requirements, and communication protocol requirements (p.50, 29—inherent that the system will utilize security requirements, privacy requirements and communication protocol to protect the user).

Argument: Poon does not disclose if a result of applying one or more canonical service description tests is that the service description should not be registered in the category, a determination is made as to whether a request to add a new category is received, or registering the service description in the alternate category.

Response: Poon discloses if a result of applying one or more canonical service description tests is that the service description should not be registered in the category, a determination is made as to whether a request to add a new category is received, or registering the service description in the alternate category (p.50, 29—category added if does not exist).

Argument: Poon does not disclose if a result of applying one or more canonical service description tests is that the service description should not be registered in the category, and searching the taxonomy for an alternate category includes searching one or more sibling, parent, and child categories of the identified category within a predetermined range of the identified category of the taxonomy.

Response: Poon discloses if a result of applying one or more canonical service description tests is that the service description should not be registered in the category, and searching the taxonomy for an alternate category includes searching one or more sibling, parent, and child categories of the identified category within a predetermined

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range of the identified category of the taxonomy (p.50, 28-29—searches categories, subcategories, and the subcategories of the subcategories).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Lalita M. Hamilton

Conferees:

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